

HAND BALDACHIN & AMBURGEY LLP

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Counsel for Plaintiff and Counterclaim Defendants

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SCHUTTE BAGCLOSURES INC.,)
)
Plaintiff)
)
v.)
)
KWIK LOK CORPORATION,)
)
Defendant.)
)
KWIK LOK CORPORATION,)
)
Counterclaim Plaintiff)
)
v.)
)
SCHUTTE BAGCLOSURES INC., and)
SCHUTTE BAGCLOSURES B.V.,)
)
Counterclaim Defendants)
)

Case No. 12-cv-5541 (JGK)

**NOTICE OF MOTION BY COUNTERCLAIM DEFENDANTS SCHUTTE
BAGCLOSURES INC. AND SCHUTTE BAGCLOSURES B.V. TO DISMISS KWIK
LOK CORPORATION'S COUNTERCLAIMS FOR FAILURE TO STATE A CLAIM
PURSUANT TO RULE 12(b)(6) AND TO DISMISS SCHUTTE BAGCLOSURES B.V.
FOR LACK OF PERSONAL JURISDICTION PURSUANT TO RULE 12(b)(2)**

PLEASE TAKE NOTICE that upon the annexed Declarations of Wout Abbenhuis, dated December 21, 2013, Jacob Willemse, dated December 20, 2013, and Johan Volmer, dated December 19, 2013, the accompanying Memorandum of Law, and upon all of the pleadings and

proceedings heretofore had herein, Schutte Bagclosures Inc., and Schutte Bagclosures B.V., by and through their counsel, will move this Court before Honorable John G. Koeltl, United States District Judge, United States District Court for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 12B, New York, New York, on January 27, 2013 at 12:00 p.m. or as soon thereafter as the matter may be heard for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing defendant/counterclaimant Kwik Lok Corporation's counterclaims against counterclaim defendants for failure to state a claim upon which relief can be granted, dismissing Kwik Lok Corporation's counterclaims against Schutte Bagclosures, B.V. for lack of personal jurisdiction, and granting such other relief as the Court deems just and proper ("the Motion to Dismiss").

PLEASE TAKE FURTHER NOTICE that pursuant to the *Stipulation and Order Setting Briefing Schedule*, entered December 3, 2013 (ECF entry 49), answering papers to the Motion to Dismiss are to be served upon the undersigned no later than January 17, 2014.

Dated: New York, New York
December 27, 2013

Respectfully submitted,

/s/ Carl M.R. van der Zandt
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